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OFFICE OF PETITIONS

In re Application of

Kelly Kleinman

Application No. 10/712,230

Filed: November 13, 2003

Attorney Docket No. Celebrity.01

ON PETITION

This is a decision in response to the petition under 37 CFR 1.137(b), filed October 4, 2004, to revive the above-identified application.

The petition is dismissed because it lacks the required petition fee pursuant to 37 CFR 1.17(m).

Effective October 1, 2004, the small entity fee for a petition to revive an unintentionally abandoned application was increased to \$685. Using a Certificate of Mailing or Transmission dated October 1, 2004, petitioner submitted a partial petition fee payment in the form of a check for \$665. There is no authorization found in the papers filed October 4, 2004 to charge any fee deficiency. Unfortunately, the petition fee was further increased to \$750 effective December 8, 2004. Since any fee paid on or after December 8, 2004, must be paid at the revised amount, petitioner must now submit the petition fee deficiency of \$85.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include the \$85 petition fee deficiency and a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop PETITION Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450 By hand:

U.S. Patent and Trademark Office

220 20th Street S.

Customer Window, Mail Stop PETITION Crystal Plaza Two, Lobby, Room 1B03

Arlington, VA 22202

The centralized facsimile number is (703) 872-9306.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley

Petitions Examiner
Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy